

## **DETAILED ACTION**

1. Claims 1-31 have been examined.

### *Response to Amendment*

2. The Amendment filed on 4/1/08 is sufficient to overcome the prior rejection. A new reference has been added to the 35 USC 103 rejection.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkowski (2004/0153378) in view of Anderson (2004/0046868).

Claims 1, 2, 3, 4, 5, 6, 8, 9, 10, 26: Perkowski discloses:

causing a user's portable terminal and/or a client computer to transmit identification information on a service company to a menu server (Fig. 1, 3a8, 3a6, 3a7);  
causing the menu server to transmit menu button information corresponding to the received identification information on the service company, to the client computer (Fig. 1, 2-1);  
causing the client computer, which has received the menu button information, to display menu buttons on a display in accordance with the menu button information on the basis of a predetermined client application so as to access a service server of the corresponding service company on the basis of operation of the menu buttons (fig 8, 7, 4s3, 4s2,

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4p2; 4c3); and

causing a menu server operation company administering the menu server to bill the service company ([672]).

Perkowsky does not explicitly disclose billing the service company based on the number of accesses.

However, Anderson discloses billing the service company based on the number of accesses ([29]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Anderson's billing the service company based on the number of accesses. One would have been motivated to do this in order to better cover the costs of running the system.

Perkowsky further discloses utilizing buttons, menus ([32, 33, 41, 54, 60, 68, 81, 106, 164]; Figures cited above).

Additionally, Examiner notes that Perkowsky discloses a predetermined client application where the predetermined client application is a browser:

"[11]. . . easy to use Java GUI-based Internet navigation tools, such as the Netscape.RTM. browser from Netscape Communications, Inc., the Internet Explorer.TM. browser from MicroSoft Corporation and the Mosaic.TM. browser from Spyglass Corporation; and the Virtual Reality Modeling Language (VRML) by Mark Pecse. Such developments in recent times have made it very easy for businesses to create 2-D Hypermedia-based Home Pages and 3-D VR Worlds".

Also, Examiner notes that Perkowski discloses a predetermined client application where the predetermined client application is software that is run on the client device:

"[0061] Another object of the present invention is to provide such a system and method, wherein the limited-version of the UPN/URL Database of each registered manufacturer (or retailer) is used to update a "central" or "master" UPN/URL Database which is continuously maintained and made accessible to consumers (i) through Web-based kiosks installed in licensed retail environments and (ii) through Internet-enabled client subsystems located at home, work and school.

[0083] Another object of the present invention is to provide a novel Internet-based electronic commerce (EC) enabled shopping system comprising an Internet information server connected to the infrastructure of the Internet and supporting the hypertext transmission protocol (http), a Web-enabled client subsystem connected to the infrastructure of the Internet, an EC-enabled WWW site comprising a plurality of interlinked HTML-encoded documents arranged and rendered to provide an electronic store environment when served to a consumer operating the Web-enabled client subsystem, wherein the electronic store environment presents a plurality of products for purchase and sale by an EC-enabled payment method supported over the Internet.

[0085] Another object of the present invention is to provide client-side and server CPIR-enabling Java Applets for enabling the consumer product information searches at virtually any consumer point of presence on the WWW by performing a single mouse-clicking operation.

[0106] FIG. 3B is a schematic representation of an exemplary display screen produced by a (graphical user interface) Java GUI-based web browser program running on a client subsystem and providing an on-screen IPD Web-site Find Button (e.g. UPC REQUEST.TM. Central Website Find Button) for instantly connecting to the IPD Web-site (e.g. UPC REQUEST.TM. Central Website) and carrying out the consumer product information finding and serving method of the present invention;

[0119] FIGS. 4G1 and 4G2, taken together, provide a high-level flow chart describing the steps involved in the second illustrative method of creating, loading, distributing, embedding, displaying, and executing "client-side" consumer product information request (CPIR) enabling Applets when using the system architecture and Applet/CGI-based search and display mechanism schematically depicted in FIG. 2B2, enabling consumers to automatically search the RDBMS for consumer product information related to a particular UPN-specified product while visiting EC-enabled stores and other WWW sites without disturbing the point of presence of the consumer;

[0122] FIGS. 4I1 and 4I2, taken together, provide a high-level flow chart describing the steps involved in the second illustrative method of creating, loading, distributing, embedding, displaying, and executing "client-side" consumer product information request (CPIR) enabling Applets when using the system architecture and Applet/socket-based search and display mechanism schematically depicted in FIG. 2B3, enabling consumers to automatically search

the RDBMS for consumer product information related to a particular UPN-specified product while visiting EC-enabled stores and other WWW sites without disturbing the point of presence of the consumer;

[0107] FIG. 3C is a schematic representation of an exemplary display screen produced by a Java GUI-based Internet browser or communication program running on a client subsystem and displaying a Netscape-style browser "display framework", served from the IPD Web-site (e.g. UPC REQUEST.TM. Central Website), and supporting or providing a sponsor frame for sponsor advertisement, a control frame with Check-Box type buttons for activating any mode of the IPI finding and serving subsystem, and an information frame for displaying HTML documents (instructions, forms, and the like) in accordance with the principles of the present invention.”.

Also, note in the above citations from Perkowski that the user can utilize a variety of different services. Hence, different services are presented on the user screen.

Again, Examiner notes that the claims are given their broadest reasonable interpretation and that it is the claims that are addressed by the prior art rejections.

Hence, the combination of the prior art renders obvious the claims as interpreted above. Please see the rejection above.

Also, Examiner notes that Perkowski discloses a predetermined client application where the predetermined client application is a browser ([11]). Also, Examiner notes that Perkowski discloses a predetermined client application where the predetermined client application is software that is run on the client device ([61, 83, 85, 106, 119, 122, 107] ).

Also, note in the above citations from Perkowski that the user can utilize a variety of different services. Hence, different services are presented on the user screen.

And, in regards to the features of, “wherein the particular identification information is provided to the user by a provider of the particular service”. The claims state that the identification is transmitted from the user’s device to a first server. However, the claims do not state how, when, or where the particular identification information is provided to the user by a provider of the particular service. Hence, the claims are open to interpretation as to how the user receives the particular identification save that the identification is provided to the user by a provider of a particular service.

And, Perkowski discloses that the user receives the particular identification/URL from a provider of the particular service (Figures 5a-5e, 7, 8). Perkowski further discloses these features (Figures 2c, 3a1-3a3, 4a2, 4c3, 4m1). Notice in these citations from Perkowski and in the rejection above that the service provider provides a particular identification/URL/UPC to the user, the user enters the particular identification/URL/UPC at a client device into a browser application which communicates over a network to a server, and that a specialized webpage with specialized presentation and information including advertising is provided to the user’s browser and client device.

Hence, the combination of the prior art renders obvious the features stated above and the features of the Applicant’s claims.

Perkowski does not explicitly disclose:

wherein the predetermined image data viewer application displays the image of the service button or banner advertisement simultaneously with image data files or sound data files

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of the user, and wherein the user instructs the particular service to be performed on at least one of the image data files or sound data files by selecting the at least one of the image data files or sound data files and selecting the service button or banner advertisement, using an interface of the predetermined image data viewer application,

wherein the service button or banner advertisement is associated with a URL of a service server of the particular service provider and wherein when the user selects the service button or banner advertisement, the predetermined image data viewer application activates a Web browser and gives the URL of the service server to the Web browser such that the Web browser connects to the service server of the particular service provider.

However, Anderson discloses:

wherein the predetermined image data viewer application displays the image of the service button or banner advertisement simultaneously with image data files or sound data files of the user, and wherein the user instructs the particular service to be performed on at least one of the image data files or sound data files by selecting the at least one of the image data files or sound data files and selecting the service button or banner advertisement, using an interface of the predetermined image data viewer application, wherein the service button or banner advertisement is associated with a URL of a service server of the particular service provider and wherein when the user selects the service button or banner advertisement, the predetermined image data viewer application activates a Web browser and gives the URL of the service server to the Web browser such that the Web browser connects to the service server of the particular service provider (Figures 1, 2, 3, 4a, 4b, 5; [60, 61]; [18, 21, 35, 39]; [42, 45]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Anderson's services for sound and video or camera interfacing with the Internet to Perkowski's custom services provided over the Internet. One would have been motivated to do this in order to better provide services of interest to the user.

Claim 7: Perkowski further discloses the step of transmitting the particular identification information from the second server to the user's communication device via a recording medium such as a floppy disk or a CD-ROM ([154, 191, 192]).

Claim 11, 13, 19, 21, 24, 27: Perkowski further discloses that when a menu update button displayed on the display is operated on the basis of the client application, the client computer transmits the identification information on the service company to the menu server ([529, 187]).

Claim 12, 20, 29: Perkowski further discloses that the identification information on the service company is transmitted from the service company's communication device to the user's portable terminal by short-distance radio communication, and is transmitted from the portable terminal to the menu server directly or via the client computer ([194]).

Claim 14, 15, 16, 22, 23: Perkowski further discloses that the identification information on the service company is manually input using an input device of the user's portable terminal and transmitted directly to the menu server using a communication function of the portable terminal (Figures 1, 2c, 3a1, 3a2; [194]).

Claim 17, 25, 29, 30, 31: Perkowski further discloses that the menu server administers, for each user, menu button information corresponding to the

identification information on the service company, and when the menu update button displayed on the display is operated on the basis of the client application to receive a menu update request together with the user's identification information, the menu server transmits menu button information corresponding to the user to the user's client computer (Abstract; [187, 529]).

Claim 18: Perkowski further discloses causing the client computer to transmit a request for counting of the number of accesses to the service company corresponding to the menu buttons, to the menu server on the basis of operation of the menu buttons; each time when the menu server receives the request for the counting of the number of accesses to the service company, from the client computer, causing the menu server to count up the number of accesses to the service company; and causing the menu server operation company to bill the service company on the basis of the number of accesses ([187, 529]; also, see the rejection of the independent claims on which this claim is dependent).

#### ***Response to Arguments***

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the grounds of rejection above. Please see the addition of the Anderson reference above. Also, notice the other relevant references (Wolcott, Prabhu, and McIntyre) to camera services that are listed in the Conclusion section below.

#### ***Conclusion***

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

aa) Wolcott (US 20070136142A1) discloses relevant features ([139, 160]; claim 36; [67, 113, 70, 125, 127]); Prabhu (US 20070103557A1) at ([37, 39]); and, McIntyre (US 20070157273A1) disclose relevant features;

a) Lokuge (2006/0122917) discloses user customized webscreens and/or menus; b) Goldhaber (5,794,210) discloses charging for website or content access per access; c) Gerace (5,848,396) discloses charging for website or content access per access.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (571)272-6718. The examiner can normally be reached on Mon- Fri, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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